

PHILLIP A. TALBERT  
United States Attorney  
JEFFREY A. SPIVAK  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
Esam ALI (1), and  
Fawaz ALI (2),  
  
Defendants.

CASE NO. 1:20-CR-00130-JLT-SKO

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER

DATE: November 16, 2022

TIME: 1:00 p.m.

COURT: Hon. Shiela K. Oberto

This case is set for status conference and trial setting conference on November 16, 2022.

As set forth below, the parties now request, by stipulation, that the Court vacate the November 16, 2022 status conference, set the matter for a jury trial on July 18, 2023 at 8:30 am before the Honorable Jennifer L. Thurston, and to exclude the time period between November 16, 2022 and July 18, 2023 under the Speedy Trial Act.

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 16, 2022.
2. By this stipulation, defendants now move to vacate the status conference, set a jury trial for July 18, 2023, and to exclude time between November 16, 2022, and July 18, 2023, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) In January 2022, the undersigned government counsel substituted into this case.

b) The government has represented that the discovery associated with this case is voluminous and includes many thousands of hours of wiretap calls, hundreds of hours of video, hundreds of investigative reports, hundreds of pictures, and extensive other evidence. This case was a multi-agency wiretap investigation that lasted nearly a year. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

c) Counsel for defendant desires additional time consult with his/her client, to review the current charges, to conduct further investigation and research related to the charges, to review discovery, to discuss potential resolution with government counsel, to evaluate potential pretrial motions. The COVID-19 pandemic has and continues to make certain tasks, such as client meetings, meetings with the government, and case investigation more difficult and more time consuming.

d) Counsel for defendant believes that failure to grant the above-requested continuance would deny him/her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

e) The government does not object to the continuance.

f) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 16, 2022 to July 18, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

///

///

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 8, 2022

PHILLIP A. TALBERT  
United States Attorney

/s/ JEFFREY A. SPIVAK  
JEFFREY A. SPIVAK  
Assistant United States Attorney

Dated: November 8, 2022

/s/ Carol Moses  
Carol Moses  
Counsel for Defendant  
Esam ALI (1)

Dated: November 8, 2022

/s/ David Balakian  
David Balakian  
Counsel for Defendant  
Fawaz ALI (2)

**ORDER**

IT IS SO ORDERED.

DATED: 11/9/2022

Sheila K. Oberto  
HON. SHEILA K. OBERTO  
UNITED STATES MAGISTRATE JUDGE